



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11466 OF 2025

1. Matinpasha s/o Jainuddin Sayyad
2. Jarinabi d/o Jainuddin Sayyad
3. Jainuddin s/o Dadamiya Sayyad

.. Petitioners

Versus

1. The State of Maharashtra
Through the Principal Secretary
Maharashtra Government.
2. The District Collector,
Collector Office Beed,
Taluka and District Beed.
3. The Sub Divisional Officer, Majalgaon,
SDM Office Majalgaon, District Beed.
4. The Tahsildar
Tahsildar Office Majalgaon,
Tq. Majalgaon, District Beed.

.. Respondents

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Mr. Krushna Solanke h/f Mr. S. J. Naik, Advocate for the petitioners.
Mr. A. M. Phule, AGP for respondents/State.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 24 NOVEMBER 2025

ORDER :

. Present petition has been filed for directing respondent No.3 to decide the representation dated 16.07.2025 filed by the petitioners.

2. Learned AGP waives notice for all the respondents.

3. It has been submitted on behalf of the petitioners that as per the amendment by Central Government in Registration of Births and Deaths Act, 1969, the powers were given to the Grampanchayat to issue the certificates, however, the Government issued directions on 21.01.2025 stating that since many complaints were received, in order to have inquiry, Special Investigation Team has been appointed and, therefore, there shall not be any decision till further orders. Thereafter, by Government Resolution dated 12.03.2025, the procedure came to be laid down as to how belated birth certificates should be issued. It appears that thereafter the Government had taken decision by letter dated 17.03.2025 that all the certificates which were issued by an officer below the rank of Tahsildar-cum-Executive Magistrate, then such certificates should be treated as cancelled. Accordingly, it appears that the Tahsildar had reopened the file in respect of petitioners and then cancelled the birth certificates issued to the petitioners. This order came to be passed on 11.07.2025 and thereafter, the petitioners went to Sub Divisional Officer-cum-Magistrate by giving application dated 16.07.2025 that he should direct the Tahsildar to review order dated

11.07.2025.

4. It appears that the birth certificates came to be issued to the petitioners in view of the order passed by Naib Tahsildar-cum-Executive Magistrate, Majalgaon by order dated 31.12.2024. In fact, when the order issued by the Government on 21.01.2025 is considered, then the State has given clear directions not to issue any birth certificate till the procedure is laid down.

5. Now, when the procedure has been laid down, then the procedure is required to be adopted. The Tahsildar, who reopened the file ought to have given an opportunity to the petitioners to produce the documents, but it appears that proper opportunity has not been given. When such procedure came to be laid down during the pendency or after the applications were filed, then we are of the opinion that the respondent/Tahsildar ought to have given a proper opportunity. In respect of the representation dated 16.07.2025 is concerned, it appears to be in the nature of complaint against Tahsildar and it appears that by that time they were not made known about the order passed on 11.07.2025. Under such circumstance, we set aside the order dated 11.07.2025 passed by Tahsildar and give an opportunity to the

petitioners to file a detailed review application and to comply with the documents mentioned in order dated 11.07.2025 or any other documents Tahsildar intends to peruse. After giving an opportunity to the petitioners, Tahsildar should decide the said review petition, upon its own merits, within a period of four weeks from today.

6. With these directions, the writ petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm